

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HEATHER HARDING-JONES,

Plaintiff,

v.

Civil Action No. _____

CIT OF ATLANTA, GEORGIA
AND KONE, INC.,

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, KONE, Inc. (hereinafter “KONE”), by and through its undersigned counsel, hereby removes this action from the State Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

Removal is based on diversity jurisdiction because there is complete diversity of citizenship between Plaintiff and Defendants served in this matter, and the amount in controversy, according to the Plaintiff, is in excess of \$75,000. In support of its Notice of Removal ("Notice"), KONE states as follows:

I. **Background**

1. This case was originally filed by Plaintiff Heather Harding-Jones in the State Court of Fulton County, Georgia on February 21, 2024. In her Complaint

for Damages (the "Complaint"), Plaintiff Edwards alleges that she sustained significant and catastrophic injuries to her foot and other parts of her body when her foot became trapped by an escalator. (See generally Compl. ¶ 17-18). Plaintiff has alleged that she was an invitee at Hartsfield Jackson Atlanta International Airport located at 600 North Terminal Parkway, Atlanta, Georgia 30320 (the "Property").

2. Co-Defendant City of Atlanta file an Answer to the Plaintiff's Complaint on April 10, 2024.

3. In accordance with 28 U.S.C. 1446(a), a copy of all process, pleadings, and orders served upon KONE are attached hereto as **Exhibit A.** A copy of the Notice of Filing Notice Of Removal filed in the State Court of Fulton County, Georgia is attached hereto as **Exhibit B.**

II. This Notice of Removal is Timely Filed

4. This lawsuit is a case within the meaning of the Acts of Congress relating to removal of civil actions.

5. KONE's registered agent received a copy of Plaintiff's Complaint by personal service of their registered agent on April 3, 2024. The Notice of Service of Process is attached hereto as **Exhibit C.**

6. The removal of this action to this Court is timely under 28 U.S.C. § 1446(b) because this Notice of Removal is filed within thirty (30) days after April

3, 2024, which is the date KONE was served and received the Summons and Complaint in this action. Exhibit C.

7. The United States District Court for the Northern District of Georgia, Atlanta Division, is the proper place to file this Notice of Removal under 28 U.S.C. § 1441(a) because it is the federal district court that embraces the place where the original action was filed and is pending.

III. This Court Has Diversity Jurisdiction

8. Upon information and belief and according to the pleadings in this matter, Plaintiff Heather Harding-Jones is a resident, domiciliary and citizen of the State of Florida. Ms. Edwards has filed her case in Fulton County State Court, and has therefore submitted to the jurisdiction. Plaintiff alleges that her shoe became trapped in an escalator at Hartsfield Jackson Atlanta International Airport and that she suffered injuries related to the incident. The Plaintiff subjected herself to the venue and jurisdiction of this Court. (Exhibit A, ¶1).

9. KONE is a foreign corporation organized under the laws of Delaware, with its principal office address located at One KONE Court, Moline, Illinois 61265, USA. KONE, pursuant to contract, performs maintenance on certain equipment at the Property located in Atlanta, Georgia. See Secretary of State Corporate Information, **Exhibit D**.

9. Plaintiff has named “City of Atlanta, Georgia” as a Defendant in this matter. The City of Atlanta is a municipal governmental entity of the State of Georgia, and can be served with process through the City Attorney, City of Atlanta, Department of Law, 55 Trinity Avenue, Suite 5000, Atlanta, Georgia 30303. The City of Atlanta has been served and filed an Answer on April 10, 2024.

10. Upon information and belief, there is complete diversity of citizenship between “the parties in interest properly joined and served as defendants.” Plaintiff’s Ante Litem Notice to the City of Atlanta alleges \$500,000.00 in past and future medical damages, as well as pain and suffering, mental and emotional suffering, and other non-economic damages. **Exhibit E**. Thus, Plaintiff’s Complaint establishes that the amount in controversy exceeds \$75,000.00. 28 U.S.C. § 1441(b)(2).

IV. Notice of Removal to the State Court of Fulton County

11. Concurrently with this Notice of Removal, KONE will file a copy of this Notice with the State Court of Fulton County, Georgia. A copy of the written notice of the Notice of Removal to Federal Court is attached hereto as **Exhibit B**. In accordance with 28 U.S.C. § 1446(d), KONE will give written notice to Plaintiff by contemporaneously serving her with this Notice.

12. If any question arises as to the propriety of the removal of this action, KONE respectfully requests the opportunity to present a brief and oral argument

in support of its position that this case is removable. See Sierminski v. Transouth Fin. Corp., 216 F.3d 945, 949 (11th Cir. 2000) (post-removal evidence in assessing removal jurisdiction may be considered by the Court).

V. Consent of City of Atlanta to Removal.

13. The City of Atlanta is being represented by the same counsel as KONE, Inc. Undersigned counsel by the filing of the present Notice of Removal consents to the removal of the matter to Federal Court on behalf of the City of Atlanta.

VI. Conclusion

For the foregoing reasons, KONE respectfully requests that this civil action be, and is hereby, removed to the United States District Court for the Northern District of Georgia, Atlanta Division, that this Court assume jurisdiction of this civil action, and that this Court enter such other and further orders as may be necessary to accomplish the requested removal.

This the 25th day of April, 2024.

MCANGUS GOUDELOCK & COURIE,
LLC

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CONSENTED TO BY:

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CERTIFICATION

Pursuant to L.R. 7.1(D) N.D.Ga., I certify that this document has been prepared in Times New Roman Font 14 point, as approved by the Court in L.R. 5.1B, N.D.Ga.

This the 25th day of April, 2024.

MCANGUS GOUDELOCK & COURIE,
LLC

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Attorney for KONE, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record via the Court's electronic filing system which automatically sends a service copy via electronic mail notification to all counsel of record addressed as follows:

Email: natalee@fairleyfirm.com
Natalee Drummond-Fairley
The Fairley Firm, LLC
1100 Peachtree Street
Suite 200
Atlanta, Georgia 30309
Attorney for Heather Harding-Jones

This the 25th day of April, 2024.

MCANGUS GOUDELOCK & COURIE,
LLC

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